

REMARKS

1. Status of the claims.

Claims 1, 10, 11 and 16, as herein amended, and claims 2-4, 12-15, and 17-34, as previously presented, are pending.

2. The claims are non-obvious over the Sorenson reference.

Claims 1-4 and 10-34 stand rejected under 35 U.S.C. 103(a) as being obvious over the teachings of the Sorenson reference.

In response to Applicants' argument that the obviousness rejection under 35 U.S.C. 103(a) is inconsistent with the concurrently-asserted obviousness-type double patenting rejection, the Office reminded Applicants that one distinction between the then-pending claims and the claims of co-owned U.S. Patent No. 6,939,675 (the basis of the obviousness-type double patenting rejection) is that the '675 patent claims were limited to non-mutated DNA associated with cancer, which the Office acknowledged was not taught in the Sorenson reference. Applicants have amended the pending claims to be limited to embodiments wherein at least one gene or DNA species is a non-mutated DNA associated with cancer. Applicants thus respectfully contend that the pending amended claims are patentable over the more limited teachings of the Sorenson reference.

Applicants respectfully request that the Examiner withdraw the obviousness rejection in view of their amendments, and pass the pending claims to allowance.

CONCLUSION

Applicants respectfully contend that all grounds of rejection have been overcome, and the claims are in condition for allowance.

If the Examiner in charge of this application believes it to be helpful, he is invited to contact the undersigned by telephone at 312-913-0002.

Respectfully submitted,
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